

**FARMINGTON ELECTRIC  
UTILITY SYSTEM**

**CITY OF FARMINGTON, NEW MEXICO  
ELECTRIC GENERATION**

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**To:** Juanita Garcia  
**From:** Richard Miller – Generation Superintendent  
**Subject:** Documented Counseling  
**Date:** November 15, 2010

This document is a record of a formal counseling concerning accusations made by Damon Ben that you inappropriately touched him. While you have denied this accusation, be advised that inappropriate touching of this kind will not be tolerated. While this document assigns no guilt, it will be kept on file and should such incidents occur in the future, it could be used as part of a disciplinary action.

I acknowledge having read and received this documented counseling.

\_\_\_\_\_  
Juanita Garcia

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard Miller

\_\_\_\_\_  
Date



GARCIA/COF 000262

**11/19/10 Notes to Shannon - Sexual Harassment Issue & Diversity Training**

**Update - Meetings with Richard & HR & Maude: "inappropriate touching"**

Damon was nervous, allergic to wasp stings? anaphylactic shock, health issue? He asked me for help, was panicked. I swatted his shirt and checked for wasps. I told HR & Maude believe me, next time I won't be so helpful; I'll call somebody else to help him. I'm happily married, not looking. If this gets back to my husband it could cause me problems at home. It's not true. It's not right. Nobody was there except me and Damon. If Damon was so ashamed or insulted or freaked out, why did he continue to work with me for the rest of the day - why didn't he distance himself, or go report it? We kept on working and even laughed at the way big ol' Damon was scared of a few little wasps. I asked Maude if they checked his pants for red paint on the butt because I had gloves on that were full of red paint. I told Maude if that's the kind of employee you want, you got it. Next time I won't help anybody if that's the thanks I get. I was trying to do the right thing; he asked for my help. I didn't go up and touch him voluntarily. He asked for my help. I thought it might be life threatening from the way he acted. He came running toward me like a big buffalo with his eyes wide open, scared and yelling help, wasps, get them off me. I was afraid he could hurt me by running over me or swatting me, but I wasn't afraid of the wasps because I had gloves and white coveralls on. I want Shannon to make sure this discipline and any records thereof is rescinded, purged from my record and destroyed.

**11/18/10 - sexual harassment class - Audie and Karen brought up specific incidents during class.**

Audie asked the attorney "what if person needs to be fired but makes a charge just to be protected?"

Karen asked the attorney "what if someone being made to clean restrooms and because it's a woman they file discrimination, even though other employees had to do same job when in their position?"

Audie made comments about me to other employees during diversity class break. Several witnesses: Kevin Peel, Mike Pappan, Julie Cynova. Details are in my notes from diversity training class. I was going to report it to Maude, but she was busy talking to the attorneys. I didn't get a second chance to talk to her. Since Sims and Miller keep questioning my honesty, they probably won't believe me anyway so why even bother? Maybe someone will come forward on my behalf. How does all this make me feel? They can even try to embarrass me during diversity training. Everyone knew who they were talking about. I guess the City's solution to the investigation isn't working.

